

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: )      Examiner: KANG, Paul H  
CURLEY, Robert      )  
                        )  
Serial No.: 09740804      )      Art Unit: 2141  
                        )  
Filed: 12/21/2000      )  
                        )  
For: *Method and Apparatus for*      )      Confirmation No.: 6420  
*Providing Measurement, and*      )  
*Utilization of, Network Latency*      )  
*In Transaction-Based Protocols*      )      Attorney Docket No.: O226  
                        )

**PETITION TO DIRECTOR UNDER 37 CFR §1.181 and  
PROCESSING OF THE AMENDMENT FILED ON AUGUST 14, 2004**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of Electronic Transmission**

I hereby certify that this 2-page Petition to Director Under 37 CFR §1.181 and Request for Processing of the Amendment Filed on August 14, 2004 is being transmitted to the United States Patent and Trademark Office (USPTO) via the USPTO's Electronic Filing System (EFS-Web) on this 30<sup>th</sup> day of March 2010.

By: Mary Uthoff  
Mary Uthoff

Dear Sir:

Applicant petitions the Director to review the Granted Petition of May 31, 2005 that withdrew the Holding of Abandonment and instructed the examiner to consider the previously filed response filed August 18, 2004. It has been nearly **Five (5) Years** since the petition has been granted and no office action has been issued.

Application No. 09740804  
Filing Date: 12/21/2000  
Attorney Docket No.: O226

Examiner: KANG, Paul H  
Art Unit: 2141  
Confirmation No.: 6420

### **Remarks**

This Petition is in response to the Decision on Petition to Withdraw Holding of Abandonment Under 37 CFR §1.181 or 37 CFR §1.8(b) dated May 31, 2005. The application file was to be forwarded to the technical support staff to WITHDRAW the holding of abandonment and to process the response filed on August 18, 2004. This petition is being submitted not later than appeal. Thus, the petition should be considered under 37 CFR §1.181.

It has been nearly Five (5) Years since the petition has been granted and no office action has been issued. Applicant respectfully requests the holding of abandonment to be withdrawn and an office action to be issued.

### **Conclusion**

For the reasons set forth above, the Notice of Abandonment was vacated and the Petition under 1.8(b) was dismissed as Moot. Applicant respectfully requests that the Director process the amendment filed on August 18, 2004.

Respectfully submitted,



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